

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:23-CV-158

JASON H. KLOEPFER and ALISON M.
MAHLER

Plaintiffs,

v.

CHEROKEE COUNTY SHERIFF'S
DEPARTMENT, ET AL.

Defendants.

**DEFENDANTS' PARTIAL MOTION TO
DISMISS**

The Cherokee County Sheriff's Department, Cherokee County Sheriff Dustin Smith, Chief Deputy Justin Jacobs, Captain David Williams, Lieutenant Milton Teasdale, Lieutenant Mitchell Morgan, Lieutenant Drew Payne, Sergeant Dennis Dore, Sergeant Cody Williams; and Nolan Queen, Jessica Styles, J.T. Gray, Jason Hall, Don Latulipe, Adam Erickson, and Paul Fry are filing this partial motion to dismiss for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim pursuant to Federal Rules of Civil Procedure 12 (b)(1), (2), and (6).

This motion is based upon the court file in this action, the accompanying Brief, declaration of Candace Anderson, and exhibits to Candace Anderson's declaration.

This 28th day of August, 2023.

s/Sean F. Perrin
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